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| 09/745,177      | 12/20/2000  | Feng Cao             | DCK-1215            | 7566             |

7590 09/22/2005

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| EXAMINER |
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GROUP 1

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/745,177  
Filing Date: December 20, 2000  
Appellant(s): CAO ET AL.

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Cao et al.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed July 7, 2005 appealing from the Office action mailed November 3, 2004.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct. It is submitted that essentially the only real issue present is whether the references can be combined because the facts are that the claims features themselves are individually taught by the prior art.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,395,861

Kennedy, III

05-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 9-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Kennedy (6,395,861) in view of Blank (5,965,686). Regarding claims 1-3, 9-13, 15, 17-26, Kennedy discloses polyurethane coating (Col. 3, lines 25-32) with a long pot life (Col. 1, lines 40-45) on a golf ball outer surface (ionomer cover, Col. 7, lines 32-35) comprising: a fluorochemical surfactant (Col. 6, lines 60-65); a solvent (Col. 5, lines 16-19); a base polyol and polyisocyanate (Col. 3, lines 59-61); drying accelerator mixture of Dibutyl tin dilaurate (Col. 2, lines 44-54 and Col. 6, lines 20-41); a primer coating (Col. 3, lines 34-38) comprises of aziridine (Col. 8, lines 1-2 and acrylic urethane (Col. 7, lines 40-42). Kennedy discloses the use of the above tin catalyst alone or in combination with other catalysts (Col. 6, lines 23-30) but fails to disclose the use of metal catalyst

comprising zirconium. Blank '686 teaches the use of zirconium catalyst (Abstract) in urethane coating (Col. 1, lines 17-20) to provide a urethane coating with improved cured rate (Col. 6, lines 30-36) over conventional tin catalyst at low temperature or in the presence of moisture over conventional tin catalyst (Col. 1, lines 38-52). Thus, it would have been obvious in view of Blank to one having ordinary skill in the art to modify the urethane coating of Kennedy with the in addition of zirconium catalyst as taught by Blank to provide a golf ball coating with improved cure rate. Regarding claims 2 and 12, Blank discloses the use of zirconium with metal complex (Col. 6, lines 46-51). Regarding claims 9, 14, and 16, Kennedy discloses the urethane coating comprises of propylene glycol monomethyl (Col. 5, lines 53-55) and hexamethylene diisocyanate, HDI (Col. 5, lines 1-3).

#### **(10) Response to Argument**

Applicant's argument file on July 7, 2005 have been carefully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). (1) Applicant specifically argued "*The Examiner improperly uses hindsight reasoning*

*based upon the Applicant's specification to provide the motivation to combine the references to increase the reaction rate of a tin catalyst by combining it specifically with zirconium."*

Examiner respectfully disagrees. Kennedy '861 discloses the use of a tin catalyst (Col. 2, lines 44-54) or a mixture of two catalysts (Col. 6, lines 20-41) but does not expressly disclose use of a second catalyst comprising zirconium. Blank discloses conventional catalysts (Col. 1, lines 26-30) in the urethane formulation and further teaches the use of zirconium catalyst (Abstract and Col. 1, lines 10-15) to provide a urethane coating with improved cure rate at low temperature (Col. 2, lines 32-34 and Col. 6, lines 30-36).

Thus, it would have been obvious in view of Blank to one having ordinary skill in the art to modify the urethane coating of Kennedy with the in addition of zirconium catalyst as taught by Blank to provide a golf ball coating with improved cure rate. (2) With respect to the argument of Blank '686 reference is drawn to coatings on floors and not drawn to the golf ball, Examiner respectfully disagrees. The combination of Kennedy '861 in view of Blank '686 is not limited to the scope of the invention such as coatings on floors and roof (See Blank '686, Col. 5, lines 47-53) but Blank '686 merely discloses exemplary application area but not excluding coatings on golf balls.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

TD




September 19, 2005

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